

MARCH 14, 2018 P.M.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In re: Bard IVC Filters,)
Products Liability Litigation)
)
) MD-15-02641-PHX-DGC
)
Sherr-Una Booker, an individual,)
) Phoenix, Arizona
 Plaintiff,) March 14, 2018
 v.) 1:06 p.m.
)
C.R. Bard, Inc., a New Jersey)
corporation; and Bard Peripheral) CV-16-00474-PHX-DGC
Vascular, Inc., an Arizona)
corporation,)
)
 Defendants.)
)

BEFORE: THE HONORABLE DAVID G. CAMPBELL, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 1 P.M.

(Pages 115 through 215)

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United States District Court

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1 analysts and quality assurance specialists, men and women
2 seeking to follow core values to introduce innovative medical
3 products for the treatment of serious illnesses and conditions.

4 Let's go to the second stop on this road trip, the
5 roadmap, the device itself. It's called the G2 and it's pretty
6 easy to figure out that's because it's Bard's second generation
7 retrievable filter, the G2.

8 What is it designed to treat? I think most of us are
9 familiar with these conditions but just to be certain, deep
10 vein thrombosis, that's where clots develop in the legs. You
11 often hear of people complaining or suffering from that after
12 long airplane rides, for example.

13 Deep vein thrombosis, when the clots break loose, can
14 become a pulmonary embolism. That is when the clot travels
15 generally to the heart, brain or lungs and it can be a fatal
16 event. Each year, because of deep vein thrombosis,
17 approximately two million Americans are affected. Statistics
18 and the evidence will show up to 600,000 are hospitalized.
19 Estimates are that 300,000 of our fellow Americans die every
20 year from pulmonary embolism. Estimates show that almost a
21 third of the patients who have had a pulmonary embolism like
22 Ms. Booker did first in 2002, will have a recurrent one within
23 ten years.

24 And this is a statistic that I always find startling.
25 That DVT related pulmonary embolisms, in other words, pulmonary

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1 emboli caused by the deep vein thrombosis is the leading cause
2 of preventable death in American hospitals. This is not a
3 cosmetic problem. This is not a superficial condition. This
4 is a life-threatening condition that this filter is intended to
5 be treating.

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6 The United States Surgeon General has recognized that
7 pulmonary embolism is a major health issue in this country and
8 in 2008 he issued a call to arms to the medical community to
9 mobilize, to treat this disease.

10 So what is the IVC filter? As Ms. Zaic told you, and
11 showed you in her animation, it's placed into the interior vena
12 cava and its purpose is to block clots coming from the legs to
13 the heart and lungs. It is inserted, and I'm going to show you
14 how that's done, what's called percutaneously. It's not an
15 open surgical procedure but it's usually through an incision in
16 the groin or in the jugular and it's inserted through a
17 catheter and it's a procedure that only takes about 30 minutes
18 to put this filter inside someone.

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19 And the filter is intended and cleared by the FDA for
20 the treatment of individuals who, for whatever reason, cannot
21 be taking anticoagulants because if you have a clotting issue,
22 anticoagulants are the first line of defense in medical
23 treatment. But if you can't be on anticoagulants just like
24 Ms. Booker could not when she had to have that surgical
25 procedure for the cervical cancer, then a filter is a device

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1 intended to prevent clots and work the same way or a similar
2 way in that scenario.

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3 And what the filter is supposed to do is just like a
4 strainer. You might have at home in the kitchen. It's
5 supposed to strain the blood of the clots and to break them up
6 as they strike.

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7 Now I would like to show you a little animation of a
8 filter showing the clot. This is not the exact G2 filter but
9 it's the same configuration, but we had this animation and it
10 shows the same way that any filter would be breaking up clots.
11 Like a strainer.

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12 Let me tell you a little bit about the history of the
13 G2 filter. You heard a lot about the Simon Nitinol filter
14 developed by a well-known physician in Boston by the name of
15 Dr. Morris Simon. It was introduced in 1990 and it was a
16 permanent filter.

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17 Once you put it into a person, it was there for a
18 lifetime. The only way it could be removed would be with some
19 open, extremely invasive, potentially dangerous surgery. Bard
20 acquired the rights to the Recovery filter which was under
21 development at the time by the NMT company and the Simon
22 Nitinol filter in October of 2001 and then in January of 2003
23 Bard introduced, after it was cleared by the US FDA the
24 Recovery filter.

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25 Within two years and will you hear how Bard is -- its

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